IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1212 OF 2007

Shri Abhishek Kumar Mishra .. Petitioner.

V/s.

The Training Officer, Armed Forces Medical College & others. .. Respondents.

Mr.P.B.Shah with Ms. Smita Mane for the Petitioner.

Mr.H.V.Mehta with K.J. Kandpile for the Respondents.

CORAM : F.I. REBELLO AND R.M. SAVANT, JJ.

DATED : 16TH MARCH, 2007.

P.C.:

Rule. Heard forthwith.

2. The case of the petitioner is similar to what was in issue in Writ Petition No. 5088 of 2004, decided on 24th June, 2004 as also the order dated 22.08.2004 in Writ Petition No. 855 of 2005 and other orders.

3. The learned counsel for the petitioner seeks to distinguish the judgment on the ground that the bond amount has subsequently been increased to Rs.15 lakhs and as such the amount should be increased. This very

argument was advanced in writ petition No. 855 of 2005 and was rejected by this court by order dated 5th August, 2006.

4. In the instant case, we further find that the petitioner was declared out of service liability for commission in Armed forces with effect from 7th May, 2003 as the Medical Board noted his disability due to "Ectopic PelvicKidney (Lt)". This was something beyond the control of the petitioner.

5. Considering the controversy, we direct the petitioner to deposit the sum of Rs. One lakh. On such payment made, the petitioner shall stand discharged from the formal condition of bond or bank guarantee and shall not be liable to pay any amount whatsoever and on payment of such amount by the petitioner, the respondents shall issue necessary "No Objection Certificate" to the petitioner to complete his internship at any other civil hospital.

6. In the light of the above, the Rule is made absolute accordingly with no order as to costs.

(F.I.REBELLO,J.)

(R.M.SAVANT,J.)

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